

FIRST REGULAR SESSION

# HOUSE BILL NO. 1278

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KIDD.

2419H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal section 575.150 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 575.150 as enacted by house bill no. 62, ninety-fifth general assembly, first regular session, and to enact in lieu thereof one new section relating to the crime of resisting arrest, with penalty provisions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 575.150 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 575.150 as enacted by house bill no. 62, ninety-fifth general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 575.150, to read as follows:

575.150. 1. A person commits the offense of resisting or interfering with arrest, detention, or stop if he or she knows or reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the officer from effecting the arrest, stop or detention, he or she:

(1) Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or

(2) Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

2. This section applies to:

(1) Arrests, stops, or detentions, with or without warrants;

(2) Arrests, stops, or detentions, for any offense, infraction, or ordinance violation; and

(3) Arrests for warrants issued by a court or a probation and parole officer.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13           3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a  
14 motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has  
15 heard or should have heard an audible signal emanating from the law enforcement vehicle  
16 pursuing him or her.

17           4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law  
18 enforcement officer was acting unlawfully in making the arrest. However, nothing in this section  
19 shall be construed to bar civil suits for unlawful arrest.

20           5. The offense of resisting or interfering with an arrest is a class E felony for an arrest  
21 [for a:

22           (1) Felony;

23           (2) Warrant issued for failure to appear on a felony case; or

24           (3) Warrant issued for a probation violation on a felony case.

25

26 The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of  
27 subsection 1 of this section is a class A misdemeanor, unless the person fleeing creates a  
28 substantial risk of serious physical injury or death to any person, in which case it is a class E  
29 felony] .

30           **6. Any person who pleads guilty to or is found guilty of a violation of this section**  
31 **who is alleged and proved to be a prior offender shall be guilty of class C felony.**

32           **7. Any person who pleads guilty to or is found guilty of a violation of this section**  
33 **who is alleged and proved to be an aggravated offender shall be guilty of a class B felony.**

34           **8. No person convicted under this section shall be eligible for parole, probation,**  
35 **conditional release, or suspended execution or imposition of sentence for a period of three**  
36 **calendar years.**

37           **9. The punishment imposed under this section shall be in addition to any**  
38 **punishment provided by law for any other offense committed coincidentally with the**  
39 **fleeing offense for which the person pleads guilty to or is found guilty.**

40           **10. For the purposes of this section, the following terms shall mean:**

41           **(1) “Aggravated offender”, a person who has pleaded guilty or has been found**  
42 **guilty of any three or more fleeing offenses;**

43           **(2) “Prior offender”, a person who has pleaded guilty to or has been found guilty**  
44 **of any fleeing offense, if such offense occurred within five years of the occurrence of the**  
45 **fleeing offense for which the person is charged.**

575.150. 1. A person commits the crime of resisting or interfering with arrest, detention,  
2 or stop if, knowing that a law enforcement officer is making an arrest, or attempting to lawfully  
3 detain or stop an individual or vehicle, or the person reasonably should know that a law

4 enforcement officer is making an arrest or attempting to lawfully detain or lawfully stop an  
5 individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or  
6 detention, the person:

7 (1) Resists the arrest, stop or detention of such person by using or threatening the use of  
8 violence or physical force or by fleeing from such officer; or

9 (2) Interferes with the arrest, stop or detention of another person by using or threatening  
10 the use of violence, physical force or physical interference.

11 2. This section applies to:

12 (1) Arrests, stops, or detentions, with or without warrants;

13 (2) Arrests, stops, or detentions, for any crime, infraction, or ordinance violation; and

14 (3) Arrests for warrants issued by a court or a probation and parole officer.

15 3. A person is presumed to be fleeing a vehicle stop if that person continues to operate  
16 a motor vehicle after that person has seen or should have seen clearly visible emergency lights  
17 or has heard or should have heard an audible signal emanating from the law enforcement vehicle  
18 pursuing that person.

19 4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law  
20 enforcement officer was acting unlawfully in making the arrest. However, nothing in this section  
21 shall be construed to bar civil suits for unlawful arrest.

22 5. Resisting or interfering with an arrest is a class D felony [for an arrest for a:

23 (1) Felony;

24 (2) Warrant issued for failure to appear on a felony case; or

25 (3) Warrant issued for a probation violation on a felony case. Resisting an arrest,  
26 detention or stop by fleeing in such a manner that the person fleeing creates a substantial risk of  
27 serious physical injury or death to any person is a class D felony; otherwise, resisting or  
28 interfering with an arrest, detention or stop in violation of subdivision (1) or (2) of subsection  
29 1 of this section is a class A misdemeanor] .

30 **6. Any person who pleads guilty to or is found guilty of a violation of this section**  
31 **who is alleged and proved to be a prior offender shall be guilty of class C felony.**

32 **7. Any person who pleads guilty to or is found guilty of a violation of this section**  
33 **who is alleged and proved to be an aggravated offender shall be guilty of a class B felony.**

34 **8. No person convicted under this section shall be eligible for parole, probation,**  
35 **conditional release, or suspended execution or imposition of sentence for a period of three**  
36 **calendar years.**

37 **9. The punishment imposed under this section shall be in addition to any**  
38 **punishment provided by law for any other offense committed coincidentally with the**  
39 **fleeing offense for which the person pleads guilty to or is found guilty.**

40           **10. For the purposes of this section, the following terms shall mean:**

41           **(1) “Aggravated offender”, a person who has pleaded guilty or has been found**  
42 **guilty of any three of more fleeing offenses;**

43           **(2) “Prior offender”, a person who has pleaded guilty to or has been found guilty**  
44 **of any fleeing offense, if such offense occurred within five years of the occurrence of the**  
45 **fleeing offense for which the person is charged.**

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